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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,976	06/14/2001	Alex Hornig	HORN3037/EM/6870	5046

7590

07/25/2002

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EXAMINER

LE, DANG D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/879,976

Applicant(s)

HORNG ET AL.

Examiner

Dang D Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 6 and 7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3. in addition, there is a burden on the examiner when searching for the structure of claims 6 and 7 although the examiner conducted a search in class 310, subclass 90 for the structure of claims 1-5. As a result, claims 6 and 7 are not considered.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities: claims 1-5, line 1, delete "type". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. (5,932,943) in view of Fukuoka et al. (5,621,260).

Regarding claim 1, Werner et al. show a direct current brushless motor (Figure 4), comprising:

- A housing (16), formed with a cylindrical shape, the housing having a bottom (top) provided with a pivot hole (for 19), and a top (bottom) having an opening end which is closed by a cover plate (27), the cover plate having a pivot hole (for 28);
- A stator seat (21), fixed in an inner wall of the housing, and provided with coils (22) and poles;
- A rotor (23), having a shaft (20) having one end (top end) pivoted in the pivot hole of the bottom of the housing, the shaft having an integral permanent magnet (24) and a gear (18), the permanent magnet mating with the poles of the stator seat, the gear mounted in the cylindrical housing at a side of the stator seat, the other end (bottom) of the shaft pivoted in the pivot hole of the cover plate;
- A circuit board (26), fixed in the housing, the circuit board having a sensing drive circuit.

Werner et al. do not show the shaft having an eccentric member.

For the purpose of making a vibration motor, Fukuoka et al. show the shaft (13A) having an eccentric member (19) instead of a gear (18).

Since Werner et al. and Fukuoka et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to replace the gear on the shaft with an eccentric member as taught by Fukuoka et al. for the purpose discussed above.

Regarding claim 2, it is noted that Werner et al. also show in the two pivot holes of the housing and the cover plate, one pivot hole being provided with a bearing (19).

Regarding claim 5, it is noted that Werner et al. also show the circuit board (26) and the stator seat being fixed in an opening end of the cylindrical housing.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. in view of Fukuoka et al. as applied to claim 1 above, and further in view of the applicant's admitted of prior art (Figure 1).

Regarding claim 3, the motor of Werner et al. modified by Fukuoka et al. includes all of the limitations of the claimed invention except for the stator seat being provided with posts combined with the circuit board.

The applicant's admitted of prior art shows the stator seat being provided with posts combined with the circuit board (Figure 1) for the purpose of aligning the two components.

Since Werner et al., Fukuoka et al. and the applicant's admitted of prior art are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provided the stator seat with posts combined with the

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circuit board as taught by the applicant's admitted of prior art for the purpose discussed above.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Werner et al. in view of Fukuoka et al. as applied to claim 1 above, and further in view of Ineson et al.

Regarding claim 4, the motor of Werner et al. modified by Fukuoka et al. includes all of the limitations of the claimed invention except for the circuit board and the stator seat being fixed in an inner bottom of the cylindrical housing.

Ineson et al. show the circuit board (38) and the stator seat being fixed in an inner bottom of the cylindrical housing (66) for the purpose of eliminating leakage.

Since Werner et al., Fukuoka et al. and Ineson et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to fix the circuit board and the stator seat in an inner bottom of the cylindrical housing as taught by Ineson et al. for the purpose discussed above.

Information on How to Contact USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
July 23, 2002

DL

A handwritten signature in cursive script, appearing to read "Lamy Lh".